

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

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)	
CHAMBER OF COMMERCE OF THE)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Case No. 6:23-cv-00553-JCB
)	
v.)	
)	
)	
NATIONAL LABOR RELATIONS BOARD, <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

JOINT PROPOSED BRIEFING SCHEDULE

Counsel for Defendants and Counsel for Plaintiffs have met and conferred via teleconference on November 16, 2023, and by email thereafter, concerning a schedule for briefing dispositive motions in this case in light of the Rule’s new effective date of February 26, 2024. Having reached an agreement, the parties jointly submit the following proposed schedule and request that the Court enter an Order reflecting these deadlines. Plaintiffs and Defendants further agree that this joint proposal supersedes their respective prior proposals [*see* ECF Nos. 11 & 18] and should avoid the need for further briefing on Section 705. The parties jointly submit the following briefing schedule:

Transfer briefing pursuant to the following deadlines:

- November 20, 2023—Board Motion to Transfer
- December 4, 2023—Plaintiffs’ Opposition

- December 11, 2023—Board Reply
- December 18, 2023—Plaintiffs' Surreply (optional)

Merits briefing pursuant to the following deadlines:

- November 13, 2023—Plaintiffs' filed Motion for Summary Judgment (30 pages)
- December 18, 2023—Board Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment (35 pages)
- January 16, 2024—Plaintiffs' Reply in support of their Motion for Summary Judgment and Opposition to Board Motion for Summary Judgment (20 pages)
- January 23, 2024—Board Reply (15 pages)

Respectfully submitted,

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Convenience Stores; National Retail Federation;
Restaurant Law Center; Texas Association of
Business; and Texas Restaurant Association*

CERTIFICATE OF SERVICE

I certify that on November 17, 2023, I filed the foregoing document, Joint Proposed Briefing Schedule, with this Court using the CM/ECF filing system, and a copy is being served on the ECF Filers electronically by the Notice of Docket activity.

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CERTIFICATE OF CONFERENCE

Pursuant to the meet and confer requirement in Local Rule CV-7(h), the undersigned certifies that on November 16, 2023, the undersigned, Deputy Branch Chief Kevin Flanagan, Supervisory Attorney Dean Owens, and attorneys Tyler Wiese and Christine Flack, attended a video conference call with Plaintiff's counsel, Pratik Shah, James Tysse, James Crowley, and Margaret O. Rusconi. Subsequent to this video conference, the parties exchanged emails and reached agreement regarding the joint proposed briefing schedule.

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